

## **REMARKS**

Claims 1-30 were examined and are rejected. Applicants amend claims 1, 5, 13, 17, 22, 25 and 28; and submit additional claims 31-33. Applicants cancel claim 7. Amendments to claims 1, 13, 22 and 28 are supported at least at paragraph 0023 of the Application. Amendments to claims 5, 17 and 25 are supported at least by claim 7 as filed and paragraph 18 of the Application. Additional claims 31-32 are supported at least by paragraph 0023; and additional claim 33 is supported at least by paragraph 0013 of the Application as filed. Applicants respectfully request reconsideration of claims 1-6 and 8-30 as amended, and consideration of additional claims 31-33 in view of at least the following remarks.

### **I. Claims Rejected Under 35 U.S.C. § 102**

The Patent Office rejects claim 1, 3-4, 13-16, 22 and 24 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2004/0181616 to Chan et al. ("Chan 1"). It is axiomatic that to be anticipated every limitation of a claim must be disclosed in a single reference.

Applicants disagree with the rejection above for claim 1. Claim 1 is not disclosed by the references for at least the reason that Chan 1 fails to disclose apportioning at least apportion of the total memory bandwidth amongst the plurality of bandwidth requests according to a power managed profile and a plurality of data rate requirements associated with the plurality of isochronous devices, wherein the power managed profile causes the bandwidth to be apportioned amongst the requests based at least on interrupt driven asynchronous activity and isochronous data communication, as required by claim 1.

Chan 1 discloses different power management routines (PMR) that may be executed to cause a computer to enter different operating modes based on the ACPI specification, which can cause a computer to reach low power states by not executing programs, turning devices on and off, and not preserving the system context during these states (see paragraphs 9-14). Moreover, the ACPI specification defines device power states such as where the device is completely active, preserves more or less context, or has power fully removed (see paragraphs 15-19). Thus, the CPU may monitor peripheral devices, such as CD-ROMs, to suspend them and resume them

to operation (see paragraphs 21-22). However, in each of these instances, some portion of the computer must remain energized (see paragraph 24). The primary purpose of Chan 1 is to provide an audio interface IC of a CD-ROM subsystem that couples a bus of a computer subsystem to a CD-ROM drive and its control buttons, such that the IC permits turning the computer system off while the audio interface IC autonomously responds to control buttons (e.g., asynchronous inputs) of the CD-ROM drive (see Abstract). It is noted that the ACPI power management routines (PMRs) formed no part of the invention of Chan 1 (see paragraph 48). For example, Chan 1 teaches that multiplexer 412 may be enabled to permit exchanging of signals or disabled to isolate signals to connect or disconnect IDE devices from IDE-bus extension 129 (see paragraph 83).

Thus, in a first operating mode the computer system of Chan 1 is energized and operating, and the audio interface IC relays commands (e.g., asynchronous inputs) and data; in a second operating mode, the computer system is not energized, and the audio interface IC autonomously responds to signals received from the CD-ROM control buttons (e.g., asynchronous inputs) which cause the CD-ROM drive to play the audio CD; in a third operating mode, in which the computer system is energized and operating, the IC receives commands from the CD-ROM control buttons (e.g., asynchronous inputs) and stores them for subsequent retrieval by a program executed by the computer (see paragraphs 33-34).

Consequently, none of these sections disclose or enable apportioning a memory bandwidth amongst requests for isochronous devices according to a power manage profile and a plurality of data rate requirements for isochronous devices, wherein the power managed profile causes the bandwidth to be apportioned amongst the requests based at least on interrupt driven asynchronous activity and isochronous data communication. Instead, they describe ACPI PMRs to reach low power states based on whether or not a program is executed, whether a device is turned on or off, or whether context is preserved. Thus, claim 1 requires something more which is that a total memory bandwidth can be apportioned amongst requests from isochronous devices. In addition, claim 1 requires something more that such apportioning can be according to a power managed profile. Finally, claim 1 requires something more that the apportioning can be according to a plurality of data rate requirements associated with the isochronous devices.

Finally, Chan 1 does not disclose or consider a power managed profile based at least on interlock driven asynchronous activity and isochronous data communication, where the profile causes the bandwidth to be apportioned amongst the request, as required by amended claim 1.

Moreover, in addition to being dependent upon allowable base claim 1, Applicants disagree with the rejection above of claim 4 for at least the reason that the cited reference does not disclose satisfying at least two of a plurality of bandwidth requests of isochronous devices with at least one portion of a total memory bandwidth by combining data of at least two isochronous data transmissions, as required by amended claim 4. Argument analogous to the one above for claim 1 applies here as well. Specifically, the Patent Office has not identified and Applicants are unable to find any disclosure in Chan 1 of apportioning or satisfying isochronous device bandwidth requests; or by combining data of at least two isochronous data transmissions, as required by amended claim 4.

Arguments similar to those above for claim 1 apply to claims 13 and 22.

Similarly, arguments similar to the one for claim 4 apply to claim 24 as well.

## **II. Claims Rejected Under 35 U.S.C. § 103**

The Patent Office rejects claim 2, 5-12, 17-21, 23 and 25-30 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0052990 to Chan et al. (“Chan 2”) in view of U.S. Patent Publication No. 2001/0028780 to NA et al. (“NA”). To render a claim obvious, all limitations of that claim must be taught, suggested, or obvious in view of at least one properly combined reference.

Applicants disagree with the rejection above for claim 2 for at least the reason that the cited references do not make obvious a data transmission policy to manage delaying transmission of a first isochronous data transmission and to manage combining data of the first isochronous data transmission with data of the second data transmission into a combined data transmission, as required by claim 2. The Patent Office relies on Chan 2 to teach delaying transmission of a first isochronous data transmission. Applicants disagree. Specifically, Chan 2 describes that the design of Chan 1 includes transmission gates that may cause delays or power drain because communication between bus bridge IC 124 and IDE device 138 go through IC 102 (see

paragraph 80). However, a description of a delays or power drain due to using transmission gates of an IC does not teach or make obvious delaying transmission of an isochronous data transmission and combining that data with data of the second data transmission, as required by claim 2. Specifically, claim 2 requires something more in that the first isochronous transmission is delayed and its data is combined with data of another transmission, such as to achieve a balance between total power available and minimum bandwidth requirements of individual entities (see paragraph 14 of specification); and/or to reduce power consumed in order to transmit data (see paragraph 49 of specification).

In addition, Applicants disagree with the Patent Office's assertion that either Chan 1 or Chan 2 implicitly teach any sort of combination of isochronous data streams, or of data of isochronous data transmissions, and respectfully request the Patent Office provide an example of such teachings in accordance with MPEP §2144.03. Specifically, just because there is a delay or a power drain, does not mean that it is obvious or necessary to delay transmission of isochronous data and to combine data of that transmission with data of a second transmission, as required by claim 2.

In addition, NA fails to cure the deficiencies of Chan 1 and Chan 2. First, the Patent Office has not identified and Applicants are unable to find any teaching in NA of any of the above noted delaying limitations of the claims. Moreover, the Patent Office relies on NA to teach combining data of a first isochronous data transmission with data of a second data transmission into a combined data transmission. However, Applicants disagree. The cited section of NA (claim 10) describes that a first digital interface transfers a multi program transport stream isochronous packet; and a second digital interface transfers a second program transport stream as isochronous packets. However, it is not taught, enabled, or obvious that the single program transport stream includes data of a first isochronous data transmission combined with data of a second data transmission. Instead, the principle of operation of NA is that the single program transport stream of the second digital interface is extracted from the multi program transport stream of the first interface based on the program number used to select one of the transport streams of the multi program transport stream (see Claim 1 of NA). Hence, NA

teaches against the above noted limitations of claim 2 by having a principle of operation of extracting one of the multiple transport streams for recording and for generating the transport stream for the second digital interface during playback mode, while claim 2 requires combining data of isochronous data transmissions.

Next, Applicants disagree with the rejection above of claim 5 for at least the reason that the cited references do not teach or make obvious delaying transmission of a first isochronous data transmission, and appending the first isochronous data transmission with a second isochronous data transmission into a combined data transmission, according to a data transmission policy; and selecting a time to transmit the combined data transmission, wherein selecting includes selecting between a transmission time of an opportunistic data transmission and a transmission time of a combined isochronous data transmission, as required by claim 5. An argument analogous to the one above for claim 2 applies here as well. Specifically, none of the references teach, enable, or make obvious delaying a transmission of isochronous data and combining that transmission with a second isochronous data transmission in to a combined data transmission. Such claim requirements require something more of delaying and combining isochronous data transmissions, such as to achieve a balance between total power available and minimal bandwidth requirements of individual entities (see paragraph 14 of the specification); and/or to reduce power consumed in order to transmit data (see paragraph 49 of the specification).

Finally, the cited references do not teach selecting a time to transmit the combined data transmission between a transmission of an opportunistic data transmission and a transmission time of a combined isochronous data transmission, as required by amended claim 5. The Patent Office argues that isochronous data transmission need to be transmitted within a given period, which can be divided into a first part which is the time that the transmission needs to be transferred, and a second part that can be used for other data (page 8 of the current Office Action). This explanation appears illogical since the first part and the given period is the time within which the transmission needs to be transmitted.

In any event, the Patent Office has not identified Applicants unable to find any teaching in the references of selecting a transmission time of an opportunistic data transmission and a transmission time of a combined isochronous data transmission as required by amended claim 5.

In addition, by including the selection between the transmission time of an opportunistic data transmission and that of a combined isochronous data transmission, embodiments described in the specification of the present application (such as described at paragraph 0049 of the Application), for example, without limitation thereto, provide benefits of reducing power consumed in order to transmit data since the components necessary to transmit the data need to be powered up less frequently (1) because the transmissions are for isochronous data that is combined (e.g.,  $T_2$  of Figure 8 and paragraph 0038 of the Application), and (2) the transmissions may be piggyback with opportunistic transmissions (see  $T_{01}$  of Figure 9 and paragraph 0038 of the Application). However, none of the references cited describe or enable these benefits.

In addition, by including the power managed profile based at least on interrupt driven asynchronous activity and isochronous data communication, embodiments described in the specification provide the benefits of achieving a balance between total power available and minimum bandwidth requirement of individual entity, such as for asynchronous entities and isochronous entities as described at paragraphs 0015 and 0024-0026 of the Application. However, none of the references described or enable such benefits.

In addition, arguments above with respect to claim 2 apply to claim 5 as well, to disagree with the Patent Office's assertion that either Chan 1 or Chan 2 implicitly teach any sort of combination of isochronous data streams, or of isochronous data transmissions, and respectfully request the Patent Office provide an example of such teachings in according with MPEP §2144.03.

Finally, the arguments above with respect to claim 2 and NA apply to claim 5 as well, to show NA failing to cure deficiencies of Chan 1 and Chan 2, because NA teaches against, does not enable, and does not make obvious the above noted limitations of claim 5. Instead, the principle of operation of NA is that a single transport stream is extracted from a multi program transport stream, as opposed to combing data of the two streams, as required by claim 5.

In addition to being dependent upon allowable base claim 5, Applicants disagree with the rejection above of claim 8 for at least the reason that the cited references do not make obvious selecting a time to transmit the combined data transmission as a transmission time of one of an asynchronous data transmission and a third isochronous data transmission as required by claim 8. An argument above with respect to claim 5 applies here as well. Specifically, Applicants traverse that such a limitation would be obvious to a person of ordinary skill and request the Patent Office provide a reference in support of that position in accordance with MPEP § 2144.03. Specifically, nothing in the references teaches, enables, or makes obvious a combined data transmission, or selecting a time to transmit a combined data transmission by selecting an asynchronous data transmission or a third isochronous data transmission, as required by claim 8, since an isochronous data transmission can be transmitted during any time of the required period. Also, as noted above, using Official Notice to support such a position is impermissible hindsight if it is derived only from Applicants' claims.

In addition to being dependent upon allowable base claim 5, Applicants disagree with the rejection above of claim 9 for at least the reason that the cited references do not teach or make obvious reducing a first frequency of transmission times related to transmitting the first isochronous data transmission to a less frequent second frequency of transmission times related to transmitting the combined data transmission, as required by claim 9. An argument analogous to the one above for claim 7 applies here as well. That is, the combined references do not teach, enable, or make obvious a combined data transmission, or reducing a frequency of transmission times, or, a less frequent second frequency of transmission times, as required by claim 9. Applicants traverse that any of such limitations would be obvious to a practitioner in the art, and request the Patent Office provide a reference in support of such position in accordance with MPEP §2144.03. Moreover, Applicants assert that saying such limitations would be obvious to a person of ordinary skill is impermissible hindsight as it gleaned only from the claims, since there is no teaching in any of the references of a combined data transmission, or reducing a frequency of data transmissions by combining data of transmissions.

In addition to being dependent upon allowable base claim 5, Applicants disagree with the rejection of claim 11, for at least the reasons that the cited references do not teach or make obvious delaying transmission of a second isochronous data transmission. An argument

analogous to the one above for claim 5 applies here as well. Hence, Applicants traverse that such a limitation would be obvious in accordance with MPEP §2144.03 and submit that saying that such a limitation is obvious is impermissible hindsight.

Applicants disagree with the rejection above of claim 17 for at least the reasons given above with respect to the corresponding limitations of claim 5. Hence, an argument analogous to the one above for claim 5 applies here as well.

Applicants disagree with the rejection above for claims 18, 23, 25, 26, and 27 for at least the reasons given above in support of corresponding claims 8, 2, 5, 6 and 7. Thus, arguments analogous to those of claims 8, 2, 5, 6, and 7 apply to the corresponding limitations of claims 18, 23, 25, 26 and 27, respectively.

Applicants disagree with the rejection above of claim 28 and assert that claim 28 is allowable for at least the reasons given in support of claim.

In addition to being based on allowable base claim 28, Applicants disagree with the rejection above of claim 29 for at least the reason that the Applicants traverse that it would be obvious to a practitioner to identify a plurality of transmission time periods during which to transmit a plurality of combined isochronous data transmissions and select a time to transmit the combined data transmission between one of a transmission time of an asynchronous data transmission, a third isochronous data transmission, and a transmission time of one of a plurality of combined isochronous data transmissions as required by claim 29 in accordance with MPEP §2144.03. An argument analogous to the one above for claim 5 applies here as well. Moreover, as noted for claim 5, Applicants assert that saying such limitations are obvious to a person of skill because isochronous data needs to be transmitted (see current Office Action, page 12, lines 7-8) is impermissible hindsight and request that the Patent Office provide a reference to support such Official Notice, in accordance with MPEP §2144.03.

In addition to being based on allowable claim 28, Applicants disagree with the rejection above of claim 30 for at least the reason that the cited references do not teach or make obvious wherein the transmit policy transmits an opportunistic data transmission prior to expiration of a transmission time period, and having media data from at least two isochronous data

transmissions, as required by claim 20. An argument analogous to the one above with respect to claims 7 and 29 applies here as well. That is, Applicants traverse Official Notice of such limitations and request the Patent Office provide a reference to support of such a position in accordance with MPEP §2144.03. Furthermore, such Official Notice is impermissible hindsight as it is gleaned only from Applicants' claim.

### **III. Additional Claims 31-33**

Applicants submit that additional claims 31-33 are allowable for at least the reasons provided above and support of their base claims, as well as additional limitations of the dependent claims.

CONCLUSION

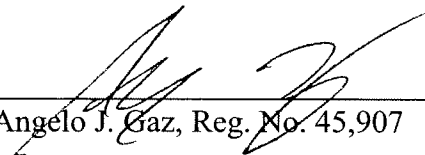
In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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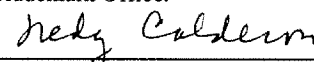
Dated: 2/12/08

  
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